



Paper No. 7

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**OFFICE OF PETITIONS  
ON PETITION**

In re Application of  
Fulks  
Application No. 09/480,588  
Filed: January 10, 2000  
Attorney Docket No. 9D-HR-19163

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile on September 13, 2002, requesting that the above-identified application be revived.

The petition is **GRANTED**.

This application became abandoned on April 17, 2000 for failure to timely respond to the February 16, 2000 Notice to File Missing Parts of Application ("2/16/00 Notice"), which provided an extendable 2-month reply period.<sup>1</sup> No extension of time under 37 CFR 1.136(a) was obtained.

In reply to the 2/16/00 Notice, the petition encloses a signed "Combined Declaration and Power of Attorney for Patent Application." Also included are: an authorization to charge Deposit Account No. 01-2384 for the \$1,280 petition fee and the \$130 surcharge for late filing of an acceptable declaration; and a statement that the entire delay in filing the signed declaration from its due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

The new power of attorney and correspondence address have been entered and made of record.

The application is being returned to the Office of Initial Patent Examination for further processing. Thereafter, the application will be forwarded to the appropriate Technology Center for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

<sup>1</sup> The due date, 4/16/00, was a Sunday. Under 37 CFR 1.7(a), a proper oath/declaration filed on or before the next business day, 4/17/00, would have been considered "timely." However, failure to do so on or before that date renders the application abandoned as of 4/17/00.